

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

ROBERT FRANK BISHOP

PETITIONER

v.

NO. 1:05CV53-M-D

COMMISSIONER CHRISTOPHER EPPS, ET AL.

DEFENDANTS

FINAL JUDGMENT

Upon consideration of the file and records in this action, including the Report and Recommendation of the United States Magistrate Judge dated September 1, 2005, and the September 15, 2005, objections to the Report and Recommendation, the court finds that the petitioner's objections are without merit and that the Magistrate Judge's Report and Recommendation should be approved and adopted as the opinion of the court. It is, therefore

ORDERED:

1. That the Report and Recommendation of the United States Magistrate Judge dated September 1, 2005, is hereby approved and adopted as the opinion of the court.
2. That the state's July 21, 2005, motion to dismiss is hereby **GRANTED**.
3. That the instant petition for a writ of *habeas corpus* is hereby **DISMISSED** with prejudice and without evidentiary hearing as untimely filed under 28 U.S.C. § 2244(d).
4. That this case is **CLOSED**.

THIS, the 13th day of October, 2005.

/s/ Michael P. Mills
UNITED STATES DISTRICT JUDGE